

ICN Unilateral Conduct Working Group (UCWG)

Mission: Examine the challenges involved in analysing unilateral conduct of dominant firms and firms with substantial market power, facilitate greater understanding of the issues involved in analysing unilateral conduct, and promote convergence and sound enforcement of laws governing unilateral conduct.

UCWG Working Group Co-Chairs (2020-2021): South Africa Competition Commission, European Commission DG COMP and Japan Fair Trade Commission.

2020-2021 UC Work Product

Assessing Dominance in the Digital Age (multi-year project):

After the publication of the survey Report on Dominance/Substantial Market Power in Digital Markets in July 2020, the topic was further deepened in several webinars during the ICN year (see below). Thereafter, the UCWG has established a paper on dominance in digital markets. It covers two main topics, namely markets shares and barriers to entry and expansion in digital markets and provides key information on the most important features that are relevant for the assessment of these two crucial elements in competition cases. It also provides insights on the type of evidence an agency venturing into the enforcement in digitals may be particularly interested in.

Webinar/Teleseminar Call Series on:

- “Report ICN Survey on Dominance/Substantial Market Power in Digital Markets” (27/10/2020)
- “Excessive Pricing in Health (incl. unilateral conduct in times of COVID 19)” (26/01/2021)
- “Market Shares in Digital Markets” (23/02/2021)
- “Barriers to Entry in Digital Markets” (23/03/2021)

2021-2022 Proposed Work Product

Analysis of Theories of Harm and Design of Remedies Concerning Unilateral Conduct with Dominance/Substantial Market Power in Digital Markets:

The UCWG proposes to extend its multi-year project to explore the main issues and challenges connected with analysis of theories of harm and design of remedies concerning unilateral conduct with dominance/substantial market power in digital markets. The UCWG will conduct a survey and circulate a questionnaire of the survey on the above mentioned topics to the ICN member agencies and NGAs in November 2021. The survey aims to identify challenges that the ICN member agencies face when analysing theories of harm and designing remedies in actual unilateral conduct cases in digital markets and to know how the agencies are dealing with such challenges.

Webinar/Teleseminar Call Series:

It is proposed to hold webinars on topics, such as “Cooperation between Competition Authorities on Unilateral Conduct” and “Abuse of Dominance in Regulated Sectors”.

UCWG Workshop:

The UCWG Workshop is planned to be held in India in March 2022.